

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 13-306—sHB 6518
Public Health Committee

**AN ACT CONCERNING THE STANDARDS OF PROFESSIONAL
CONDUCT FOR EMERGENCY MEDICAL SERVICE PERSONNEL AND
ESTABLISHING AN EMERGENCY MEDICAL SERVICES PRIMARY
AREA TASK FORCE**

SUMMARY: This act expands the grounds upon which the Department of Public Health (DPH) commissioner may take disciplinary action against emergency medical technicians (EMTs), advanced EMTs, emergency medical responders, and emergency medical services (EMS) instructors. It generally allows her to take action against them for the same conduct for which she may already discipline paramedics, such as felony convictions, alcohol or drug abuse, and negligence in professional activities. By law, EMTs, advanced EMTs, emergency medical responders, and EMS instructors must be certified by DPH.

The act creates, within available appropriations, a 15-member Connecticut EMS primary service area task force within DPH. Among other things, the task force must review the process (1) for designating and changing primary service areas and (2) by which municipalities can petition to change or remove a primary service area responder. The act requires the task force to report its recommendations to the Public Health Committee by February 15, 2014. (By law, a “primary service area” is a specific geographic area to which DPH assigns a designated EMS provider for each category of emergency medical response services.)

The act also makes a technical change to reflect that DPH now refers to “emergency medical responders” instead of “medical response technicians.” (Emergency medical responders have less training than EMTs.)

EFFECTIVE DATE: October 1, 2013, except the task force provisions are effective upon passage.

DPH DISCIPLINE OF CERTAIN EMS PROFESSIONALS

The act expands the allowable grounds for DPH to discipline EMTs, advanced EMTs, emergency medical responders, and EMS instructors to include:

1. failure to conform to accepted professional standards;
2. felony conviction;
3. fraud or deceit in obtaining or seeking to reinstate a certificate to practice;
4. fraud or deceit in providing EMS services or education;
5. negligent, incompetent, or wrongful professional conduct;
6. a physical, mental, or emotional illness or disorder resulting in an inability to conform to accepted professional standards;
7. alcohol or substance abuse; and

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8. willful falsification of entries in medical records.

The act specifies that disciplinary actions against such professionals, as well as paramedics, for felony convictions must be in accordance with the law on denial of a state credential based on prior conviction. This generally prohibits the state (except for law enforcement agencies) from denying felons permission to engage in state-regulated professions without examining the (1) relationship between the crime and the job or license that the person is being considered for, (2) person's degree of rehabilitation, and (3) time since conviction or release (CGS § 46a-80).

Existing law allows the DPH commissioner to discipline EMS professionals (including EMTs, advanced EMTs, emergency medical responders, and EMS instructors) who fail to maintain standards or violate applicable EMS regulations (CGS § 19a-180(b)). Existing DPH regulations allow the commissioner to take specified disciplinary actions against EMS providers she determines substantially failed to comply with the EMS law or regulations or failed to maintain professional standards (Conn. Agency Regs. § 19a-179-15(a)).

By law, DPH can take the following disciplinary actions:

1. suspending or revoking the person's certification,
2. issuing a letter of reprimand to or censuring the person,
3. placing him or her on probation,
4. assessing a civil penalty of up to \$ 25,000, or
5. taking summary action against the certification if the person has been found guilty of a state or federal felony or is subject to disciplinary action in another jurisdiction (CGS § 19a-17).

The act extends DPH's (1) authority to petition the Hartford Superior Court to enforce disciplinary orders or actions to those brought against EMTs, advanced EMTs, emergency medical responders, and EMS instructors and (2) obligation to give the person notice and an opportunity for a hearing.

The act allows the commissioner to order a certificate holder to undergo a reasonable physical or mental examination if his or her physical or mental capacity to practice safely is under investigation.

CONNECTICUT EMS PRIMARY SERVICE AREA TASK FORCE

The act creates, within available appropriations, a task force within DPH to review:

1. the current process for designating and changing primary service areas;
2. local primary service area contract and applicable subcontract language and EMS plans, as they vary among municipalities and pertain to performance and oversight measures;
3. methods to designate EMS providers used by other states with similar populations, geography, and EMS systems as Connecticut; and
4. the process for municipalities to petition to change or remove a primary service area responder.

The task force consists of 15 members: the DPH commissioner or her designee, and 14 others who must be appointed within 30 days after July 12, 2013. The appointments are as follows in Table 1.

Table 1: Appointed Task Force Members

<i>Appointing Authority</i>	<i>Member(s)</i>
DPH commissioner	Five appointments, including representatives of: 1. a municipal EMS provider 2. a for-profit ambulance service 3. the Connecticut Hospital Association 4. a nonprofit EMS provider 5. DPH's EMS advisory board
House speaker	Two appointments, including: 1. a municipal chief elected official or administrator 2. a representative of a municipal public safety board, public safety agency, or municipal legislative body
Senate president pro tempore	Two appointments, including: 1. a municipal chief elected official or administrator 2. a representative of an EMS provider that primarily provides fire services
House majority leader	A fire chief or representative of a fire department that provides emergency medical services
Senate majority leader	A fire chief or representative of a fire department that provides emergency medical services
House minority leader	A representative of a nonprofit EMS provider
Senate minority leader	A municipal chief elected official or administrator
House and Senate minority leaders (jointly)	A representative of the Association of Connecticut Ambulance Providers

The act requires appointing authorities to ensure that each appointed member associated with a municipality or municipal entity represents a different municipality.

The task force has two co-chairs: (1) the DPH commissioner or her designee and (2) one the task force elects from among its members. The DPH commissioner or her designee must schedule the first task force meeting. A majority of the members constitutes a quorum, and a majority vote of a quorum is needed for any official task force action.

The act provides that council members are not paid for their service, except for reimbursement for necessary expenses incurred in performing their duties.

DPH's administrative staff must serve as the task force's administrative staff.

Under the act, the task force must submit its report by February 15, 2014 to the Public Health Committee. (Another provision specifies that it must submit the report on that date.) The task force terminates on the date it submits its report. The report must include information on the task force's activities and its recommendations on:

1. the process for designating and changing a primary service area;

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2. improvements to local primary service area contract and applicable subcontract language and EMS plans, including provisions relating to performance measures and municipal oversight of primary service area responders;
3. a process for expanding or enhancing EMS offered in local primary service areas;
4. a mechanism for reporting adverse events to DPH and for the department to respond; and
5. an outreach plan to educate municipalities on their rights and duties as holders of contracts and subcontracts for primary service area responders.

OLR Tracking: JO:RC;jkl:RO